

In re Application of: ONODA, Kenji
Serial No.: 10/757,383
Response to 05/05/2006 Office Action
Attr. Docket No.:MLZ71

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REMARKS

By the *Office Action* of May 5, 2006, Claims 2-5 are pending in the Application, with Claims 2-5 being rejected. Applicant respectfully asserts that Claims 2-5 are in condition for allowance and requests reconsideration of the claims in light of the following remarks.

1. Rejection of Claim 2 Under 35 U.S.C. § 102

Claim 2 is rejected as unpatentable under 35 U.S.C. § 102(b) as being anticipated by Tsuchida et al. (5,120,061). The Examiner states that the "chamfered toe" is understood to be a "flat surface." The Examiner further states that Tsuchida et al. discloses that the "toe may be flat."

Applicant respectfully submits that the Examiner's definition of chamfer is contrary to the ordinary meaning of chamfer and its use by the Applicant. Significantly, the Examiner's construction of the chamfer as a "flat surface" is contrary to the element of Claim 2 reciting: "said toe portion being chamfered between said crown portion and said sole portion." A chamfer is a groove, bevel or recessed surface. Claim 2 expressly requires that the toe portion be chamfered and thus provide a groove, bevel or recessed surface. It is this chamfered surface that enables, as expressly recited in Claim 2, that "the center of gravity of said primary body is closer to a shaft axis of said primary body." Furthermore, Applicant's Figs. 6 and 7 illustrate the recess defined by the chamfered toe portion 44. As described in Applicant's *Specification*, the "chamfered toe portion 44 removes weight from the toe enabling the center of gravity of the metalwood to be moved closer to the shaft axis." (*Specification*, p. 7, ¶ 2). The flat toe surface of Tsuchida et al. does not disclose this chamfered element nor teach the limitation enabled by the chamfered element, namely that the center of gravity be moved closer to the shaft axis.

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2. Rejection of Claim 3-5 Under 35 U.S.C. § 102

Claims 3-5 are rejected as unpatentable under 35 U.S.C. § 102(b) as being anticipated by Wood (5,997,415). The Examiner states that Wood discloses a golf club head having a toe and that "[t]he toe includes a cover with a ledge and is made from a composite material."

Applicant respectfully submits that Wood does not provide "a toe portion" as recited in Applicant's Claims 3. Applicant's Claim 3 recites "a toe portion," "said toe portion having a opening formed therein." Wood fails to disclose, among other things, a toe portion having an opening formed therein. Wood describes a "toe cover 320" that is "integrated with the sole plate 314 on the bottom of the club head." Wood (Col. 4., ll. 55-56). This "toe cover 320," shown in Fig. 3a of Wood, clearly does not contain any opening. Therefore, Wood fails to disclose the "toe portion having an opening formed therein," as recited in Applicant's Claim 3. Thus, Claim 3 is allowable, and all claims depending on Claim 3, Claims 4-5, are also allowable.

In addition to the fact that Claim 4 is allowable as dependent from Claim 3, the Examiner's grounds for rejection of Claim 4 are unsupported by the Wood disclosure. The Examiner states that the Wood disclosure describes that "[t]he toe includes a cover with a ledge." Claim 4 recites that "toe portion has a ledge disposed around a periphery of said opening extending toward the center of said opening, and a toe cover component coupled to said ledge covering said opening." The "toe cover 320" disclosed in Wood, however, does not have an opening as required by Claim 4, and thus it cannot have a ledge disposed around a periphery of an opening. Accordingly, Applicant respectfully submits that that Claim 4 is in condition for allowance.

In addition to the fact that Claim 5 is allowable as dependent from Claim 4, the Examiner's grounds for rejection of Claim 5 are unsupported by the Wood disclosure. The

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Examiner states that "[t]he toe ... is made from a composite material." Contrary to this assertion, Applicant's Claim 5 does not require a toe portion made of composite but rather recites that the toe cover covering the opening in the toe portion is made of composite material. The positioning of the toe cover in the opening in the toe portion permits, among other things, a more preferable placement of the center of gravity in accordance with one embodiment of the present invention. As Wood contains no such disclosure, Applicant respectfully submits that that Claim 5 is in condition for allowance.

In view of the above, Applicant respectfully submits that Claims 2-5 are in condition for allowance.

3. Fees

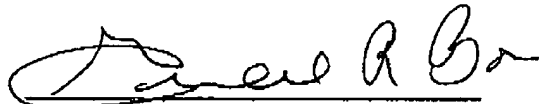
Applicant files this *Response to Office Action* within three (3) months of the May 5, 2006 *Office Action* and with no additional claims. Accordingly, Applicant believes that no extension or claims fees are due. The Commissioner is authorized, however, to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 20-1507.

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CONCLUSION

By the present *Response to Office Action*, the Application has been in placed in full condition for allowance. Accordingly, Applicant respectfully requests early and favorable action. Should the Examiner have any further questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 404.885.3622.

Respectfully submitted,



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